

McIntyre
10/668,953

RECEIVED
CENTRAL FAX CENTER
JUL 12 2006

REMARKS

The undersigned wishes to acknowledge the courteous treatment received during the course of a telephone interview held on this date with the Examiner during which the undersigned pointed out how the claims as proposed to be amended distinguish over the references used to reject the claims. Huebner and Vandersilk were discussed in particular with respect to claim 1.

Claims 1-15 were rejected as being unpatentable over Huebner 6,162,224 in view of Vanderslik 4,976,712.

Huebner discloses a fixator with a cover 210 (Fig. 1) and a cover 350 (Fig. 8) which covers the fixation pins extending from multiple connecting clamps, that is, in each case the cover extends from one connecting clamp to the next connecting clamp. Each cover has a way of enlarging the cover to cover different distances between connecting clamps. Basically, each cover covers the whole length of the connecting rod including the ends of the connecting rod. The cover 350 shown in Fig. 8 is stitched to hold it in place (col. 7, lines 51-64), and there is cotton batting within the cover, snaps are used to hold the cover in place, and there is no suggestion or teaching of using material within the cavity to hold the cover in place.

Vandersilk has a retaining sleeve for a surgical pin and was cited for the use of sleeve 12 to keep wire 10 from completely entering the bone. Sleeve 12 is crimped to hold it on to the end of wire 10. This reference was cited for the "use of pins embedded in pliable material of an end cap to prevent migration of the pins into the patient's body". Presumably, crimped sleeve 12 is being interpreted as "pliable material".

In view of the art cited by the Examiner, claim 1 has been extensively amended to recite a connecting rod with a plurality of spaced connecting clamps, fixation pins extending out from each of the connecting clamps, and a separate cap releasably positioned on the free ends of fixation pins for each connecting clamp, with a space

McIntyre
10/668,953

between end caps. Huebner has a single cover for the whole connecting rod and all the connecting clamps and fixation pins. In addition, claim 1 calls for the oval shape of each end cap including having a cavity filled with pliable material for receiving fixation pins press fitted into the pliable material (see page 22, last two paragraphs, of the specification). Page 17 of the specification describes that the cap is "releasably positioned on protruding pins" which indicates that the end caps are reusable. A crimped member would not be reusable, or "releasably positioned" as now recited in the claim.

The Examiner agreed that claim 1 as proposed to be amended did distinguish over the above references.

Claims 2, 10-11 and 14 have been canceled.

Depending claims 4-9 and 15 recite in detail the physical characteristics of the end caps, features not found or suggested in the above references.

Claims 12 and 13 call for the packaging of the end caps which directly relates to the ease of use of the end caps, not requiring the fitting and securing by a technician as required by the design of Huebner. In fact, one of the advantages of this invention is that a patient can install the end caps readily.

In view of the foregoing, it is believed that the claims in their present form clearly distinguish over the above references and should be allowed.

A conscientious effort has been made to place this application in condition for immediate allowance. The Examiner is requested to call the undersigned or Mr. Kroll if further changes are required to obtain allowance of the application.

A favorable action is solicited.

Respectfully submitted,



LEONARD BELKIN

McIntyre
10/668,953

Reg. No. 18,063
Tel 301-254-8549
for
MICHAEL I. KROLL
Reg. No. 26,755
171 Stillwell Lane
Syosset, New York 11791
Tel 516-367-7777

Dated: July 12, 2006

CERTIFICATE OF FAXING

I hereby certify that this correspondence is being facsimile transmitted to the U. S.
Patent and Trademark Office, telephone number 571-273-8300 on July 12, 2006.

Leonard Belkin
Leonard Belkin